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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

36

Application Number

10/654,797

Filing Date

September 4, 2003

First Named Inventor

Marler et al

Art Unit

3743

Examiner Name

Patel, Nihir B.

Attorney Docket Number

3418-A-23

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☒

Petition

☐Petition to Convert to a
Provisional Application☐Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):Declarations of Ruth Holbrook
and Sharon RobertsExhibits A-E
Issue Fee Transmittal**Remarks**The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to
Deposit Account Number 03-0088.I hereby certify that this correspondence is being filed via the Electronic Filing System on August
24, 2006**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

CAHILL, von HELLENS & GLAZER, P.L.C.

Signature

Printed name

William C. Cahill

Date

August 24, 2006

Reg. No.

19,742

CERTIFICATE OF TRANSMISSION/MAILINGI hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with
sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
the date shown below:

Signature

Typed or printed name

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

3418-A-23

First Named Inventor: Marler et al

Art Unit: 3743

Application Number: 10/654,797

Examiner: Patel, Nihir B.

Filed: September 4, 2003

Title: HEAT AND MOISTURE FILTER EXCHANGER AND METHOD

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☒ Small entity – fee \$ 250.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☐ Other than small entity – fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

- A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):
- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.
- B The issue fee of \$ 965.00
- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. Do NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

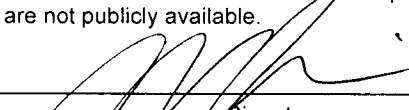
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature
William C. Cahill

Typed or printed name
155 Park One, 2141 E. Highland Avenue

Address
Phoenix, Arizona 85016

Address

Date
August 24, 2006

19,742

Registration Number, if applicable
602/956-7000

Telephone Number

- Enclosure ☒ Fee Payment - The Director is hereby authorized to charge the required fee(s) to Deposit Account 03-0088 or credit any overpayment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☒ Exhibits A - E

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

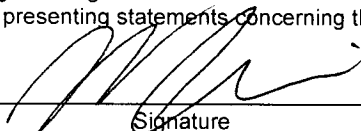
Signature

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

August 24, 2006

Date

William C. Cahill

19,742

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

See attached renewed Petition under 37 C.F.R. 1.137(a)
Application for Patent Abandoned Unavoidably

(Please attach additional sheets if additional space is needed.)

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 08/11/2004

Cahill, von Hellens & Glazer P.L.C.
 Ste. 155
 2141 E. Highland Avenue
 Phoenix, AZ 85018

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

EFS

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,797	09/04/2003	Gregory S. Marler	3418-A-23	8070

TITLE OF INVENTION: HEAT AND MOISTURE FILTER EXCHANGER AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	11/12/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATEL, NIHIR B	3743	128-918000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 CAHILL, von HELLENS

2 & GLAZER, P.L.C.

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Thayer Medical Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Tucson, Arizona

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee (No small entity discount permitted)

☒ Advance Order - # of Copies 12

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-0088 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is not claiming SMALL ENTITY status. See, e.g., 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature)

(Date)

August 24, 2006

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)

PART B - FEE(S) TRANSMITTAL

COPY

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or **Fax** (703) 746-4000

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7590 08/11/2004

Cahill, von Hellens & Glazer P.L.C.
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Certificate of Mailing or Transmission

EFS

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,797	09/04/2003	Gregory S. Marler	3418-A-23	8070

TITLE OF INVENTION: HEAT AND MOISTURE FILTER EXCHANGER AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	11/12/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATEL, NIHIR B	3743	128-918000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 CAHILL, von HELLENS
 2 & GLAZER, P.L.C.
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Thayer Medical Corporation

Tucson, Arizona

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☒ Advance Order - # of Copies 12

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-0088 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is not claiming SMALL ENTITY status. See, e.g., 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature) _____ (Date)

August 24, 2006

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/654,797 Confirmation No. 8070
Applicant : Marler et al
Filed : September 4, 2003
Title : HEAT AND MOISTURE FILTER EXCHANGER AND METHOD
TC/A.U. : 3743
Examiner : Patel, Nihir B.

Docket No. : 3418-A-23
Customer No. : 33136

**RENEWED PETITION UNDER 37 C.F.R. §1.137(a)
APPLICATION FOR PATENT ABANDONED UNAVOIDABLY**

Filed via EFS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to Senior Attorney John Gillon's Decision on Applicants' "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action", Petitioner respectfully requests reconsideration.

The docketing documents identified as Exhibit A in Petitioner's Petition filed 5 June 2006 were prepared by our Docket Clerk, Sharon Roberts, and contain docket numbers taken from correspondence received from the USPTO and Foreign Patent Offices. Kindly refer to the attached Declaration of Sharon Roberts which specifies in detail docketing procedures and precautions taken in the handling of documents received from the USPTO and Foreign Patent

Appl. No. 10/654,797
Petition dated August 24, 2006
Reply to Decision of July 24, 2006

Offices. Once a docketed document, corresponding file and Actions Due sheet are delivered to the appropriate attorney's office, the file and attached documents are reviewed by the Attorney's office to confirm that the correct document is with the correct file and that all due dates have been docketed correctly. A separate docket is maintained by each attorney's office and once a month a computerized master docket is generated by the Docket Clerk and delivered to each attorney's office for review to ensure that all due dates are accounted for. A copy of the master docket for the time period 31 August 2004 through 30 November 2004 is attached hereto as Exhibit A. The master docket does not indicate a due date of 12 November 2004 for payment of an issue fee for above application. The master docket does however show a 12 November 2004 due date for payment of issue fee for Serial No. 358,650 (Our Docket No. 5305-A-02) - this case is totally unrelated to the above application and has since issued into a patent (Patent No. 6,830,175).

With regard to Attorney Gillon's comments concerning the entry "3418-A-14 EPO" on the page annotated as 8/17/04 of the docketing documents, this entry is the docket number for a European application belonging to Petitioner which is totally unrelated to the above identified application. The document received for Docket No. 3418-A-14 EPO was a letter from our European associates dated 5 August 2004. The letter was stamped as being received by our office on 16 August 2004 and a copy of the front page of this letter is attached hereto as Exhibit

Appl. No. 10/654,797
Petition dated August 24, 2006
Reply to Decision of July 24, 2006

B. On 17 August 2004 the letter was docketed by our Docket Clerk as indicated by the docket stamp located on the front page of the letter and on the file cover for Docket 3418-A-14 EPO - - a copy of the file cover is attached hereto as Exhibit C. A detailed explanation of the docketing of the 5 August 2004 letter is included in the attached Declaration of Sharon Roberts.

With regard to the application under petition, A Notice Regarding Drawings from the Patent Office dated 4 October 2004 was received on 7 October 2004. The notice indicated that the corrected drawings in the application that were received in the Patent Office on 12 July 2004 were not acceptable. Kindly refer to the Declaration of Ruth Holbrook detailing her telephone conference on 16 November 2004 with Draftsman Steven Fields advising him that the drawings submitted with the response to a Restriction Requirement were for illustrative purposes only. Ruth Holbrook's telephone conference with Draftsman Steven Fields resulted in his approval of the drawings as filed and on 16 November 2004 Draftsman Steven Fields faxed a Notice of Draftsperson's Patent Drawing Review approving the drawings as filed. At this time, it was therefore known that the case was in the hands of the Examiner and the file could not have been lost. An argument transversing a requirement for restriction was also still pending. Since we have several cases that have been pending without an Office Action for periods of time greater than the present case, it was assumed the case was being handled in due course. This assumption was believed accurate when Examiner Nihir Patel left a voice message on January 31, 2006

Appl. No. 10/654,797
Petition dated August 24, 2006
Reply to Decision of July 24, 2006

indicating that the application had been allowed.

Petitioner has reviewed the USPTO Image File Wrapper for the above case which indicates that a Notice of Allowance with a reply due under a non-extendable deadline of 12 November 2004 was mailed to Applicants. The USPTO Image File Wrapper also indicates that the Notice of Allowance dated 11 August 2004 was received back in the USPTO on 26 August 2004. A copy of the returned Notice of Allowance indicating the USPTO date stamp is attached hereto as Exhibit D.

On 31 January 2006 Examiner Nihir Patel left a voice mail message for William Cahill stating that the application had been allowed but that he believed he had the wrong mailing address because paperwork had been returned to the USPTO. This message was forwarded to Ruth Holbrook, assistant to Mr. Cahill, for handling and the attached Declaration of Ruth Holbrook sets forth in detail her return call to Examiner Patel. A copy of our computerized phone record documenting Ruth Holbrook's call to Examiner Patel on 31 January 2006 is attached hereto as Exhibit E.

According to the USPTO Image File Wrapper, the Notice of Allowance was never resent to Applicants. Instead, on 17 May 2006 a Notice of Abandonment was mailed to Applicants again using the incorrect zip code. The Notice of Abandonment was received by Applicants' attorney on 22 May 2006 and on 26 May 2006 Petitioner diligently prepared and forwarded to the

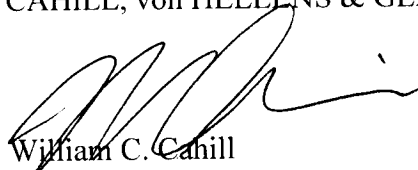
Appl. No. 10/654,797
Petition dated August 24, 2006
Reply to Decision of July 24, 2006

USPTO a Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office
Action.

It is believed that the failure to pay the issue fees was unavoidable since Applicant had been in contact with the Official Draftsman, had responded to a requirement for restriction, had received a telephone call from the Examiner indicating allowance, but the Notice of Allowance was sent to the wrong address and never received by Applicants' attorney as shown by Petitioner's records and the records of the USPTO. In the event the Senior Attorney again dismisses this Petition, Petitioners respectfully request that the separate Petition for Revival under 37 C.F.R. §1.137(b) for unintentional abandonment be considered.

Respectfully submitted,

CAHILL, von HELLENS & GLAZER P.L.C.



William C. Cahill
Registration No. 19,742

155 Park One
2141 E. Highland Avenue
Phoenix, Arizona 85016
602/956-7000
602/956-4298-Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/654,797 Confirmation No. 8070
Applicant : Marler et al
Filed : September 4, 2003
Title : HEAT AND MOISTURE FILTER EXCHANGER AND METHOD
TC/A.U. : 3743
Examiner : Patel, Nihir B.

Docket No. : 3418-A-23
Customer No. : 33136

DECLARATION OF RUTH HOLBROOK

1. I am assistant to William C. Cahill, the attorney of record in the above identified patent application.

2. On 7 October 2004 a Notice Regarding Drawings dated 4 October 2004 was received from the Patent Office. The notice indicated that the corrected drawings received in the Patent Office on 12 July 2004 were not acceptable. On 16 November 2004 I placed a call to Draftsman Steven Fields advising him that the drawings were submitted with a response to a Restriction Requirement and were for illustrative purposes only. Draftsman Steven Fields asked me if the drawings submitted at the time of filing the application were correct - - I confirmed that the drawings were correct and on 16 November 2004 Draftsman Steven Fields faxed a Notice of Draftsperson's Patent Drawing Review approving the drawings as filed.

3. On 31 January 2006 Examiner Nihir Patel left a voice mail message for William Cahill stating that the application had been allowed but that he believed he had the wrong mailing address because paperwork had been returned to the USPTO. This message was forwarded to me for handling. I reviewed past correspondence received from the USPTO for the

above application and concluded that the USPTO had been using the wrong zip code (85018 rather than 85016, as stated in the application documents that were filed), but that even with the wrong zip code all previous correspondence from the USPTO was received without delay. On 31 January 2006 I returned Examiner Patel's call to the phone number left by Examiner Patel in his voice mail (571/272-4803) - - there was no answer at this number and I was put through to the voice mail for extension 24803. I left a voice mail message for Examiner Patel indicating that the USPTO had been forwarding mail to zip code 85018 and rather than 85016 and that perhaps this was reason the Notice of Allowance was returned to the USPTO - - I then left my phone number should Examiner Patel need to call me back. Examiner Patel did not return my call. I therefore expected to receive a new Notice of Allowance. A copy of the phone record documenting my telephone call is attached as Exhibit E of the Renewed Petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

8-24-2006
Date

Ruth Holbrook
Ruth Holbrook

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/654,797 Confirmation No. 8070
Applicant : Marler et al
Filed : September 4, 2003
Title : HEAT AND MOISTURE FILTER EXCHANGER AND METHOD
TC/A.U. : 3743
Examiner : Patel, Nihir B.

Docket No. : 3418-A-23
Customer No. : 33136

DECLARATION OF SHARON ROBERTS

1. I am the Docket Clerk for the firm Cahill, von Hellens & Glazer, P.L.C., the attorneys of record for the above identified patent application.
2. The docketing documents identified as Exhibit A attached to the "Petition to Withdraw Holding of Abandonment on Failure to Receive Office Action" filed in the United States Patent & Trademark Office on 5 June 2006 were prepared by me and contain lists of docket numbers taken from documents received from the USPTO and Foreign Patent Offices.
3. Docketing procedures performed by me once I have prepared a list of docket numbers include pulling the files and matching the documents with the appropriate files by verifying the serial/patent number on the document with that shown on the front cover of the file. The document is then entered on the cover of the file and into our computerized docketing system. An "Actions Due" sheet is generated from the computer indicating the required action, due date, docket number, serial/patent number and Country. I apply a docket stamp to the front page of the received document and enter the date the document was docketed by me along with my initials. I then deliver the docketed document, corresponding file and Actions Due sheet to

the appropriate attorney's office.

4. On 17 August 2004 I prepared a list of docket numbers from documents received from the USPTO and foreign associates. This list was included in Exhibit A attached to the Petition filed 5 June 2006. An entry was made for Docket No. 3418-A-14 EPO from correspondence received from our European associates dated 5 August 2004. The front page of the correspondence was date stamped by the firm on 16 August 2004 and forwarded to me for docketing. On 17 August 2004 I docketed the correspondence according to the docketing procedures described in detail above in Paragraph 3.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

August 9, 2006
Date

Sharon Roberts
Sharon Roberts

EXHIBIT A

Date: 08/31/04	System Master Docket		Page: 1			
Time: 12:50:58	From: 08/31/04	To: 11/30/04				
Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
08/31/04		5993-TM-01	USA	RVH	501503	2274180
AFF OF USE					06/12/98	08/31/99
	Computer Generated Deadline.			CIMS		
	CIMS					
Classes: 9 AND 20						
09/02/04	US-COR FILE RCT	5488-A-14	USA	MAG	867848	
COR FILE RECPT					06/14/04	
	Due Date			CORNI		
09/03/04	US-OA 3 MONTH	1756-D-21	USA	RVH	197389	
3 MO RESPONSE					01/14/04	
	Due Date			PREST		
09/03/04	FF-OA	3086-A-19	EPO	MAG	97951458.5	
RESPONSE DUE					11/26/97	
	Due Date			PALES		
09/04/04	US-INFO DISCLOS	6600-A-01	USA	RVH	862040	
INFRMTN DISCLOS					06/04/04	
	Due Date			KAMME		
09/05/04	US-COR FILE RCT	5488-A-24	USA	MAG	865314	
COR FILE RECPT					06/10/04	
	Due Date			CORNI		
09/06/04		1690-TM-04	USA	MAG	446223	1852211
RENEWAL					10/12/93	09/06/94
				SUPER		
	HURRICANE					
Classes: 7						
09/06/04		2108-TM-08	USA	WCC	324092	
STATUS CHK					11/06/03	
	Computer Generated Deadline.			SHAST		
	SHASTACAD					
Classes: 9						
09/06/04	FF-OA	6270-A-10	EPO	RVH	02761156.5	
RESPONSE DUE					07/23/02	
	Due Date			VISUA		
09/06/04		6550-A-01	USA	WCC	383087	
Status Chk				MZ	03/06/03	
	Computer generated deadline			FANG		
09/07/04		5993-SM-02	USA	RVH	501504	2275931
AFF OF USE					06/12/98	09/07/99
	Computer Generated Deadline.			CIMS		
	CIMS					
Classes: 42						

09/07/04 5993-SM-04 USA RVH 521344 2276043
AFF OF USE 07/20/98 09/07/99
Computer Generated Deadline. CIMS
LOGO
Classes: 42

Date: 08/31/04 System Master Docket Page: 2
Time: 12:51:09 From: 08/31/04 To: 11/30/04
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Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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09/07/04		6037-TM-01	USA	MAG	579703	2276195
AFF OF USE					10/30/98	09/07/99
	Computer Generated Deadline.			PLAY		
	PLAY & LEISURE (DESIGN)					
Classes: 28,37						

09/08/04 US-NTC OF ALLOW 6469-A-01 USA RVH 134870
ACT STAT CHK 04/29/02
Computer Generated
Remarks POSTCARD RECEIVED IN PTO 7/14/04 HARTE
DRAWINGS ACCEPTED

09/10/04 6375-SM-15 USA RVH 300317
USE OR EXT 08/16/01
Computer Generated Deadline. THERM
LOGO
Classes: 35

09/10/04 6375-TM-08 USA RVH 300519
USE OR EXT 08/16/01
Computer Generated Deadline. THERM
THERMO VET
Classes: 10

09/12/04 6633-SM-01 USA MAG 559290
STATUS CHK 11/12/03 O.A. 6-14-04
Computer Generated Deadline. PRICE
PORT OF PHOENIX & DESIGN
Classes: 39

09/13/04 6643-SM-01 USA WCC 327483
STATUS CHK 11/13/03 O.A. 5-27-04
Computer Generated Deadline. FOUNT
FOUNTAIN OF THE SUN
Classes: UNSURE AT THIS TIME

09/13/04 US-T POW OF ATY 6720-A-01 USA RVH 431662
ACT STAT CHK 05/09/03 postcard not
Computer Generated FORTN rich

09/14/04 FF-OA 5391-A-09 CHINA CRH 99808770.X
RESPONSE DUE 01/17/01
Due Date ZETET

09/14/04 US-INFO DISCLOS 6270-A-06 USA RVH 867523
INFRMTN DISCLOS 06/14/04

Due Date

VISUA

09/16/04 US-T M-FEE 5194-A-02 USA CRH 227550 6215555
 ACT STAT CHK 01/07/99 04/10/01
 Computer Generated DIREC

09/17/04 US-NTC APPEAL-3 2398-A-02 USA CRH 178600
 3 MO NOT APPEAL 06/24/02
 Due Date SEMLE
 Remarks DOCKET FOR BRIEF IF APPEAL FILED

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 Date: 08/31/04 System Master Docket Page: 3
 Time: 12:51:20 From: 08/31/04 To: 11/30/04

Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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09/17/04	US-OA FINL 3MTH	2398-A-02	USA	CRH	178600 06/24/02	
					SEMLE	

09/18/04		1675-TM-08	USA	WCC	420136 04/04/83	1295962 09/18/84
					KC HI	

DAYLIGHTER

Classes: 11

09/18/04	US-NTC OF ALLOW	5222-A-15	USA	RVH	361235 02/10/03	
					VORTE	

Reminder

Remarks DUE DATE PER NOT. ALLOW.
 DRAWINGS ACCEPTED
 POSTCARD RECEIPT HERE

09/18/04	US-MISC COMMU.2	6270-A-06	USA	RVH	867523 06/14/04	
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Reminder

VISUA

Remarks RE REQUEST FOR CORRECTED FILING RECEIPT

09/19/04		6406-A-02	USA	RVH	392606 03/19/03	
					PARAM	

Computer generated deadline

09/19/04		6649-SM-01	USA	WCC	330132 11/19/03	
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Computer Generated Deadline.
 AMERICAN FAMILY REALTY

Classes: 36

09/19/04		6649-SM-02	USA	WCC	330145 11/19/03	
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Computer Generated Deadline.
 AMERICAN FAMILY REAL ESTATE

Classes: 36

09/20/04		1765-A-14	USA	RVH	393090 03/20/03	
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Status Ck

Computer generated deadline

ACHEN

09/20/04 US-NTC OF ALLOW 5222-A-15 USA RVH 361235
ISSUE FEE DUE 02/10/03
Final VORTE

Remarks DUE DATE PER NOT. ALLOW.
DRAWINGS ACCEPTED
POSTCARD RECEIPT HERE

09/20/04 FF-1 YR ANNUITY 6270-A-09 EPO RVH 02799010.0
1 YR ANNTY DUE 09/20/02
Due Date VISUA

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Date: 08/31/04 System Master Docket Page: 4
Time: 12:51:30 From: 08/31/04 To: 11/30/04

Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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09/21/04 US-NTC OF ALLOW 1228-A-137 USA RVH 376359
ACT STAT CHK 02/27/03

Computer Generated ERA
Remarks DRAWINGS APPROVED
POSTCARD RECEIVED IN PTO 7/23/04

09/21/04 4540-TM-01 USA WJF 446974 2278980
AFF OF USE 03/09/98 09/21/99

Computer Generated Deadline. EAGLE
ARIZONA FEEDS

Classes: 31

09/21/04 US-NTC OF ALLOW 6079-A-01 USA WCC 342518
ACT STAT CHK 01/15/03

Computer Generated LOEB
Remarks NOTE: CORRECTED NOTICE OF ALLOWANCE.
POSTCARD RECEIVED IN PTO 7/23/04
USING PTO FORM DATED 12/30/04

09/21/04 6554-SM-02 USA MAG 561326
STATUS CHK 11/21/03

Computer Generated Deadline. AMERI
LONDON GOLD

Classes: 35

09/22/04 US-OA 3 MONTH 5899-A-05 USA CRH 878307
3 MO RESPONSE 06/08/01
Due Date TECME

09/23/04 FF-OA 5391-A-10 CHINA CRH 00807026.1
RESPONSE DUE 03/16/00

Due Date ZETET
Remarks ASSOC. REQUESTS INSTRUCTIONS BY 9/13/04

09/23/04 US-NTC OF ALLOW 6147-A-04 USA RVH 698754
ACT STAT CHK 10/31/03
Computer Generated ADTRO
Remarks POSTCARD RECEIVED IN PTO 7/26/04
DRAWINGS ACCEPTED

09/24/04 TM-OA 6 MONTH 6348-SM-02 USA RVH 453784
6 MO RESPONSE 09/30/02
Final SANTO
SYSTEMIC INTELLIGENCE
Classes: 42

09/24/04 6431-TM-01 USA RVH 353716
USE OR EXT 12/28/01
Computer Generated Deadline. JOHNS
WUZZUP
Classes: 28

09/25/04 US-NTC OF ALLOW 6311-A-01 USA MAG 008311
FILE DIV./CON. 11/06/01
Reminder CREDE
Remarks DUE DATE PER NOT. OF ALLOW.
POSTCARD RECEIPT HERE

Date: 08/31/04 System Master Docket Page: 5
Time: 12:51:40 From: 08/31/04 To: 11/30/04

Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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09/25/04	US-COR DRAW 3MO	6311-A-01	USA	MAG	008311 11/06/01	
	Final			CREDE		

09/26/04	2742-TN-01	ST-TN	WCC		55748 09/27/84
RENEWAL			RAYCO		
	RAYCO CAR SERVICE				

09/26/04 6403-TM-01 USA RVH 295145
USE OR EXT 08/03/01
Computer Generated Deadline. FLORE
TEAM DIME
Classes: 25

09/26/04 US-MISSNG PRT-2 6600-A-01 USA RVH 862040
MISSING PARTS 06/04/04
Due Date KAMME

09/26/04 US-COR FILE RCT 6600-A-01 USA RVH 862040
COR FILE RECPT 06/04/04
Due Date KAMME

09/27/04 US-NTC OF ALLOW 6311-A-01 USA MAG 008311
ISSUE FEE DUE 11/06/01
Final CREDE
Remarks DUE DATE PER NOT. OF ALLOW.
POSTCARD RECEIPT HERE

 09/28/04 US-NTC OF ALLOW 6381-A-01 USA CRH 234814
 ACT STAT CHK 09/04/02
 Computer Generated WDT
 Remarks POSTCARD RECEIVED IN PTO 8/2/04/-----
 DRAWINGS ACCEPTED

 09/29/04 0112-TM-15 USA WCC 179244 777982
 RENEWAL 10/17/63 09/29/64
 MICR-
 "MICR-SHIELD"

 09/29/04 US-EXAMR ANSWER 4441-A-29 USA MAG 947454
 REPLY BRIEF DUE 09/05/01
 Due Date UNAXI

 09/30/04 2398-TM-04 USA RVH 118726
 USE OR EXT 04/01/02
 Computer Generated Deadline. SEMLE
 MAGBOX
 Classes: 9

 09/30/04 FF-OA 5167-A-04 JAPAN MAG 508079/96
 EX. TIME 07/31/95
 Final NATIO

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Date: 08/31/04	System Master Docket	Page: 6
Time: 12:51:51	From: 08/31/04 To: 11/30/04	

Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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09/30/04	US-NTC OF ALLOW	6406-A-01	USA	RVH	144899	
ISSUE FEE DUE					05/14/02	
Final				PARAM		
Remarks POSTCARD RECEIPT HERE						

09/30/04	US-NTC OF ALLOW	6406-A-01	USA	RVH	144899	
FILE DIV./CON.					05/14/02	
Reminder				PARAM		
Remarks POSTCARD RECEIPT HERE						

09/30/04		6657-A-01	USA	WCC	276235	
Status Chk					03/31/03	
Computer generated deadline				TYRON		

10/01/04	FF-2 YR ANNUITY	6418-A-01	CANAD	MAG	2462524	
2 YR ANNTY DUE					10/01/02	
Due Date				GLOBA		

10/01/04	FF-2 YR ANNUITY	6418-A-01	EPO	MAG	02766455.6	
2 YR ANNTY DUE					10/01/02	
Due Date				GLOBA		

*merged
6-23-04*

10/01/04 US-OA 3 MONTH 6 MO RESPONSE Final	6529-A-01	USA	MAG SELL	410084 04/09/03		
10/02/04 US-OA 3 MONTH 6 MO RESPONSE Final	2817-A-19	USA	CRH GTX	717607 11/21/00		
10/02/04 US-OA 3 MONTH 3 MO RESPONSE Due Date	2973-A-31	USA	CRH TRI-T	752726 01/07/04		
10/02/04 US-MISSNG PRT-2 MISSING PARTS Due Date	6270-A-13	USA	RVH VISUA	786484 02/25/04		
10/02/04 US-COR FILE RCT COR FILE RECPT Due Date	6270-A-13	USA	RVH VISUA	786484 02/25/04		
10/03/04 Status Chk Computer generated deadline	6406-A-03	USA	RVH PARAM	406333 04/03/03	<i>Amend. 7-23-04</i>	
10/05/04 AFF OF USE Computer Generated Deadline. ACCUFORM Classes: 17	3556-TM-17	USA	RVH FRITZ	109887 05/24/96	2283532 10/05/99	
10/05/04 STATUS CHK Computer Generated Deadline. TOWNIE Classes: 35	4149-SM-11	USA	WJF DENTA	563449 12/05/03	<i>Amend. 8-13-04</i>	
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Date: 08/31/04	System Master Docket			Page: 7		
Time: 12:52:05	From: 08/31/04	To: 11/30/04				
Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
10/07/04 TM-NTC APPEAL 6 MO NTC APPEAL Final VERNON HOWARD Classes: 16 Remarks IF NOTICE OF APPEAL IS FILED, DOCKET FOR "APPEAL BRIEF" TWO MONTHS FROM DATE WE SENT NOT. OF APPEAL - OR 6-MO. DUE DATE OF FINAL O.A., WHICHEVER IS LATER	5534-TM-06	USA	WCC NEW	230132 03/26/03		
10/07/04 TM-OA FINL 6MTH 6 MON RESPONSE Final VERNON HOWARD Classes: 16	5534-TM-06	USA	WCC NEW	230132 03/26/03		
10/08/04	6375-SM-09	USA	RVH	300518		

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USE OR EXT

08/16/01

Computer Generated Deadline.

THERM

THERMO VET

Classes: 35

10/09/04	US-T INFO DISCL 3064-A-15	USA	RVH	775904	02/10/04	post card not yet rec'd
ACT STAT CHK						
Computer Generated			MACKI			
10/09/04	6529-A-01	USA	MAG	410084	04/09/03	O.A. 4-1-04
Status Chk						
Computer generated deadline			SELL			
10/10/04	6452-A-01	USA	WJF	410758	04/10/03	O.A. 4-1-04
Status Chk			WCC			
Computer generated deadline			POWER			
10/11/04	FF-2 YR ANNUITY 5488-A-12	EPO	MAG	02784089.1	10/11/02	
2 YR ANNTY DUE						
Due Date			GILBE			
10/11/04	US-NTC OF ALLOW 6472-A-01	USA	WCC	274167	10/18/02	
ACT STAT CHK						
Computer Generated			CHILD			
Remarks POSTCARD RECEIVED IN PTO 8/13/04						
DRAWINGS ACCEPTED						
10/14/04	US-NTC APPEAL-3 3300-A-66	USA	WCC	419313	04/16/03	
3 MO NOT APPEAL						
Due Date			PSE			
Remarks DOCKET FOR BRIEF IF APPEAL FILED						
10/14/04	US-OA FINL 3MTH 3300-A-66	USA	WCC	419313	04/16/03	
3 MO F-RESPONSE						
Due Date			PSE			
10/15/04	US-T PRVSNL APP 6433-P-02	USA	RVH	512489	10/17/03	
FILE NEW APPL.						
Due Date			CLANC			
Remarks POSTCARD RECEIVED IN PTO FOR PROV. 10/17/03						

Date: 08/31/04

System Master Docket

Page: 8

Time: 12:52:17

From: 08/31/04

To: 11/30/04

Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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10/16/04	FF-POW OF ATTN	3086-A-18	EPO	MAG	97948217.1	11/26/97
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Reminder

PALES

Remarks FOR ITALY AND HOLLAND

10/16/04	FF-ASSOC LTR-1	3086-A-18	EPO	MAG	97948217.1	11/26/97
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Due Date

PALES

Remarks ASSOC. REQUESTS INSTRUCTIONS BY AUGUST 16, 2004

RE GRANTING OF PATENT ISSUES

10/16/04	3300-A-66	USA	WCC	419313	04/16/03	Final O.A. 7-14-04
Status Chk	Computer generated deadline		PSE			
10/16/04	TM-NTC APPEAL 6298-TM-03	USA	WCC	535688	08/08/03	
6 MO NTC APPEAL	Final		TECHN			
TREX						
Classes: 9	Remarks IF APPEAL FILED, DOCKET "APPEAL BRIEF" FOR TWO MONTHS FROM DATE NOT. OF APPEAL SENT - OR 6 MO. DUE DATE OF FINAL O.A. - WHICHEVER IS LATER					
10/16/04	6406-A-04	USA	RVH	418255	04/16/03	filed - no action
Status Chk	Computer generated deadline		PARAM			
10/16/04	6406-A-06	USA	RVH	417872	04/16/03	elect claims 7-13-04
Status Chk	Computer generated deadline		PARAM			
10/19/04	US-INFO DISCLOS 6728-A-01	USA	MAG	894695	07/19/04	
INFRMTN DISCLOS	Due Date		THOMA			
10/20/04	FF-FILE HNG KNG 6270-A-10	EPO	RVH	02761156.5	07/23/02	
FILE IN HNG KNG	Due Date		VISUA			
10/20/04	TM-OA 6 MONTH 6348-TM-07	USA	RVH	976389	09/30/02	
ACT STAT CHK	Computer Generated		SANTO			
LUV2U						
Classes: 41						
10/20/04	US-INFO DISCLOS 6406-A-18	USA	RVH	894803	07/20/04	
INFRMTN DISCLOS	Due Date		PARAM			
10/20/04	US-NTC OF ALLOW 6466-A-01	USA	WJF	237923	09/09/02	postcard not yet recd
ACT STAT CHK	Computer Generated		RTT			
Remarks	POSTCARD RECEIPT HERE					

Date: 08/31/04	System Master Docket		Page: 9
Time: 12:52:29	From: 08/31/04	To: 11/30/04	
Due Date/ Action Due	Action Type	Docket Number	Registration Number/ Date
10/23/04	FF-ASSIGNMENT	1690-A-07	2446330 10/23/03
ASSIGNMENT	Due Date	SUPER	

10/23/04	5233-TM-04	USA	WJF	371933	1302140
RENEWAL			SJS	06/28/82	10/23/84
			IREI		

RIM
Classes: 200

10/23/04	US-INFO DISCLOS 6406-A-23	USA	RVH	897496	
	INFRMTN DISCLOS			07/23/04	
	Due Date		PARAM		

10/24/04	US-T REQUEST 3003-A-06	USA	RVH	695233	
	ACT STAT CHK			10/28/03	
	Computer Generated		GREEN		
	Remarks FOR NON-PUBLICATION				

10/24/04	US-OA 3 MONTH 4905-A-15	USA	WCC	635088	
	ACT STAT CHK		MZ	08/05/03	
	Computer Generated		PROTE		

10/25/04	US-OA 3 MONTH 6589-A-02	USA	MAG	594004	
	ACT STAT CHK			06/14/00	
	Computer Generated		BAHAR		

10/26/04	1682-SM-08	USA	MAG	376368	2288477
	AFF OF USE			10/20/97	10/26/99
	Computer Generated Deadline.		HI-HE		
	HI-HEALTH'S WORLD OF NUTRITION				
	Classes: 35 9 U.S. CLS. 100,101, AND 102				

10/26/04	US-INFO DISCLOS 4969-A-08	USA	WCC	899499	
	INFRMTN DISCLOS		CRH	07/26/04	
	Due Date		WESTE		

10/26/04	US-INFO DISCLOS 6720-A-01	USA	RVH	431662	
	ACT STAT CHK			05/09/03	
	Computer Generated		FORTN		

10/27/04	US-OA FINL 3MTH 5167-A-16	USA	MAG	074119	
	3 MO F-RESPONSE			02/11/02	
	Due Date		NATIO		

10/27/04	US-NTC APPEAL-3 5167-A-16	USA	MAG	074119	
	3 MO NOT APPEAL			02/11/02	
	Due Date		NATIO		
	Remarks DOCKET FOR BRIEF IF APPEAL FILED				

10/27/04	5231-TM-05	CANAD	WJF	601456	360902
	RENEWAL			02/23/88	10/27/89
			NATIO		

RREA
Classes: 200

Date: 08/31/04	System Master Docket	Page: 10
Time: 12:52:42	From: 08/31/04 To: 11/30/04	

Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/	Registration Number/
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					Date	Date
10/27/04	US-OA 3 MONTH	5488-A-21	USA	MAG	725695	
	3 MO RESPONSE			NM	12/01/03	
	Due Date			CORNI		
10/28/04	TM-NTC APPEAL	6298-TM-01	USA	WCC	535673	
	6 MO NTC APPEAL				08/08/03	
	Final			TECHN		
	TECHNOS, STYLIZED					
Classes: 9						
Remarks IF APPEAL FILED, DOCKET FOR APPEAL BRIEF FOR TWO MONTHS FROM DATE WE SENT NOTICE OF APPEAL - OR 6-MONTH DUE DATE OF FINAL O.A., WHICHEVER IS LATER						
10/29/04	US-OA 3 MONTH	2108-A-19	USA	CRH	360444	
	6 MO RESPONSE				02/07/03	
	Final			SHAST		
10/30/04	US-T NEW APP	0437-A-302	USA	CRH		
	ACT STAT CHK					
	Computer Generated			TEXAS		
Remarks W/ I.D.S. AND ASSIGNMENT						
10/30/04	US-OA 3 MONTH	6577-A-02	USA	RVH	660895	
	ACT STAT CHK				09/12/03	
	Computer Generated			LAWSO		
Remarks W/ TERMINAL DISCLAIMER						
11/03/04	TM-OA 6 MONTH	6588-SM-01	USA	MAG	551022	
	6 MO RESPONSE				10/14/03	
	Final			SOUTH		
	WELLNESS ADVANTAGE					
Classes: 44						
11/04/04	US-T PRVSNL APP	5772-P-01	USA	RVH	517147	
	FILE NEW APPL.				11/04/03	
	Due Date			SUN		
Remarks POSTCARD RECEIVED IN PTO 11/04/03						
11/06/04		6296-SM-01	USA	RVH	193432	
	USE OR EXT				01/11/01	
	Computer Generated Deadline.			SOUTH		
	SEA CASTLE					
Classes: 39, 36						
11/06/04	US-NTC APPEAL-3	6433-A-01	USA	RVH	376402	
	3 MO NOT APPEAL				02/28/03	
	Due Date			CLANC		
Remarks DOCKET FOR BRIEF IF APPEAL FILED						
11/06/04	US-OA FINL 3MTH	6433-A-01	USA	RVH	376402	
	3 MO F-RESPONSE				02/28/03	
	Due Date			CLANC		

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Date: 08/31/04                System Master Docket                Page: 11
Time: 12:52:52                From: 08/31/04                To: 11/30/04

Due Date/ Action Type    Docket      Ctry  Atty  Application    Registration
Action Due              Number                               Number/
                               Date                               Date
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11/07/04 PCT-DEMAND IPE  4905-A-13    PCT                               PCTUS0410679
DEMAND IPE                                                    04/07/04
    Due Date
Remarks IF IPE FILED, CHANGE NA PHASE 20 TO NA PHASE 30.
    DEADLINE FOR TRANSLATIONS, FEES, ETC.
-----
11/08/04                1690-A-07    USA    MAG    431732
Status Chk                               05/08/03 filed - no action
    Computer generated deadline                SUPER
-----
11/08/04                4149-SM-12    USA    WJF    568862
STATUS CHK                               01/08/04 Ex's amendment
    Computer Generated Deadline.                DENTA
    TOWNIE CHOICE AWARDS                        8-3-04
    Classes: 41
-----
11/08/04                4905-TM-16    USA    WCC    349242
STATUS CHK                               01/08/04 filed - no action
    Computer Generated Deadline.                PROTE
    ONLY ONE NAME MEANS PROTEK'TIO
    Classes: 9
-----
11/08/04                6250-SM-03    USA                               349436
STATUS CHK                               01/08/04
    Computer Generated Deadline.                BANDW
    PROVISION COMMUNICATIONS                    O.A. 8-14-04
    Classes: 35
-----
11/09/04 PCT-NA PHASE-30 6149-A-01    PCT    WJF    PCTUS0214677
30 MO NA PHASE                                                    05/09/02
    Due Date                                GOODW
Remarks SOME COUNTRIES ADHERE TO 20 MONTH DEDLINE FOR TRANSLATIONS,
    FEES, ETC.
-----
11/09/04                6720-A-01    USA    RVH    431662
Status Chk                               05/09/03 amend.
    Computer generated deadline                FORTN                        7-26-04
-----
11/10/04 US-OA 3 MONTH    0437-A-283    USA    CRH    428704
3 MO RESPONSE                                                    05/02/03
    Due Date                                TEXAS
-----
11/10/04 FF-1 YR ANNUITY 1228-A-90    EPO    RVH    00310004.7
1 YR ANNTY DUE                                                    11/10/00
    Due Date                                SEBRA
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11/10/04 US-NTC OF ALLOW 4969-A-07    USA    CRH    994143
FILE DIV./CON.                                                    11/26/01
    Reminder                                WESTE
Remarks POSTCARD RECEIPT HERE
    DRAWING ACCEPTED
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11/10/04 US-NTC OF ALLOW 4969-A-07 USA CRH 994143
ISSUE FEE DUE 11/26/01
Final WESTE
Remarks POSTCARD RECEIPT HERE
DRAWING ACCEPTED

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Date: 08/31/04 System Master Docket Page: 12
Time: 12:53:04 From: 08/31/04 To: 11/30/04

Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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11/11/04	US-NTC OF ALLOW 5305-A-02	USA	WCC	358650		
	FILE DIV./CON.		MZ	02/05/03		
	Reminder		ITO			
	Remarks DUE DATE PER PTO					
	DRAWINGS ACCEPTED					
	POSTCARD RECEIPT HERE					

11/12/04	US-NTC OF ALLOW 5305-A-02	USA	WCC	358650		
	ISSUE FEE DUE		MZ	02/05/03		
	Final		ITO			
	Remarks DUE DATE PER PTO					
	DRAWINGS ACCEPTED					
	POSTCARD RECEIPT HERE					

11/12/04	TM-OA FINL 6MTH 6565-TM-02	USA	MAG	529243		
	6 MON RESPONSE			07/15/03		
	Final		CSTPG			
	VENUS VICTORIOUS					
	Classes: 3,4,6,9,14,16,18,20,21,24,25,27,28,30,33, 34					

11/12/04	TM-NTC APPEAL 6565-TM-02	USA	MAG	529243		
	6 MO NTC APPEAL			07/15/03		
	Final		CSTPG			
	VENUS VICTORIOUS					
	Classes: 3,4,6,9,14,16,18,20,21,24,25,27,28,30,33, 34					
	Remarks DOCKET FOR APPEAL BRIEF IF APPEAL FILED, TWO MONTHS FROM DATE WE					
	SENT NOTICE OF APPEAL - OR THE 6 MONTH DUE DATE OF FINAL OFFICE					
	- WHICHEVER IS LATER					

11/12/04	6576-SM-03	USA	WCC	350476		
	STATUS CHK			01/12/04		
	Computer Generated Deadline.		JORDA			
	KID'S 911					
	Classes: 35					

filed - no action

11/13/04	FF-REQUEST EXAM 5488-A-11	BRAZL	MAG	PI0115329-3		
	REQUEST EXAM			11/13/01		
	Final		GILBE			

11/13/04	FF-1 YR ANNUITY 5488-A-11	EPO	MAG	01995425.4		
	1 YR ANNTY DUE			11/13/01		
	Due Date		GILBE			

11/13/04	5488-A-11	JAPAN	MAG	2002-543757		
	DEF. EXAM			11/13/01		
	Computer generated deadline		GILBE			

11/13/04 US-NTC OF ALLOW 6270-A-09 USA RVH 247753
FILE DIV./CON. 09/19/02
Reminder VISUA
Remarks DRAWINGS ACCEPTED
DUE DATE PER PTO
POSTCARD RECEIPT HERE

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Date: 08/31/04	System Master Docket	Page: 13
Time: 12:53:14	From: 08/31/04 To: 11/30/04	

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Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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11/14/04	US-NTC APPEAL-3	5967-A-03	USA	CRH	178259	
6 MO NOT APPEAL					06/25/02	
Final				MACKI		
Remarks DOCKET FOR BRIEF IF APPEAL FILED						

11/14/04	US-OA FINL 3MTH	5967-A-03	USA	CRH	178259	
6 MO F-RESPONSE					06/25/02	
Final				MACKI		

11/14/04	PCT-NA PHASE-30	6406-A-01	PCT	RVH	PCTUS0311815	
30 MO NA PHASE					04/18/03	
Due Date				PARAM		
Remarks SOME COUNTRIES ADHERE TO 20 MONTH DEADLINE FOR TRANSLATIONS, FEES, ETC.						

11/15/04	US-NTC OF ALLOW 6270-A-09	USA	RVH	247753		
ISSUE FEE DUE				09/19/02		
Final				VISUA		
Remarks DRAWINGS ACCEPTED DUE DATE PER PTO POSTCARD RECEIPT HERE						

11/15/04	6586-A-01	USA	MAG	438449		
Status Chk				05/15/03		
Computer generated deadline			MORAL			

11/15/04	6586-A-02	USA	MAG	439348		
Status Chk				05/15/03		
Computer generated deadline			MORAL			

11/15/04	6647-SM-01	USA	WCC	352441		
STATUS CHK				01/15/04		
Computer Generated Deadline.			TEA &			
TEA & COMFORT						
Classes: 42						

11/16/04	US-NTC OF ALLOW 0437-A-284	USA	CRH	428659		
FILE DIV./CON.				05/02/03		
Reminder			TEXAS			
Remarks DRAWINGS ACCEPTED						

POSTCARD RECEIPT HERE

11/16/04 US-NTC OF ALLOW 0437-A-284 USA CRH 428659
 ISSUE FEE DUE 05/02/03
 Final TEXAS

Remarks DRAWINGS ACCEPTED

POSTCARD RECEIPT HERE

11/16/04 6035-SM-01 USA RVH 503840 2293676
 AFF OF USE 06/17/98 11/16/99
 Computer Generated Deadline. ENSEM
 ENSEMBLE

Classes: 36 AND 37

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 Date: 08/31/04 System Master Docket Page: 14
 Time: 12:53:25 From: 08/31/04 To: 11/30/04

Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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11/17/04	TM-OA 6 MONTH	6672-TM-04	USA	RVH	319983	
	6 MO RESPONSE				10/29/03	
	Final			SPOON		
	NO-SHOW COVER					

Classes: 16

11/18/04	FF-OA	6106-A-04	CANAD	MAG	2239460	
	RESPONSE DUE				01/16/97	
	Due Date			CERAM		

11/18/04	US-OA 3 MONTH	6570-A-01	USA	CRH	653324	
	6 MO RESPONSE				09/02/03	
	Final			BRESL		

11/20/04		2385-SM-01	USA	RVH	407364	1306311
RENEWAL					12/27/82	11/20/84
				WILLI		

GATEWAY TO THE GRAND CANYON

Classes: 035

11/21/04		5709-TM-01	USA	WCC	354664	
STATUS CHK					01/21/04	
	Computer Generated Deadline.			HORME		
	LAS VEGAS STRIP T'S					

filed - no action

Classes: 25

11/22/04		6368-TM-01	USA	MAG	468813	1863731
RENEWAL					12/13/93	11/22/94
				LONGU		

LUSSO ITALIANO

Classes: 19

11/23/04	FF-DECLR OF USE	3092-TM-02	PHILP	WCC	4-2001-08798	
DEC OF USE					11/23/01	

Due Date
COMMERCIAL ACOUSTICS & DESIGN

METAL

Classes: 11

11/23/04 FF-DECLR OF USE 3092-TM-04 PHILP WCC 4-2001-08797
DEC OF USE 11/23/01

Due Date
METALFORM & DESIGN

METAL

Classes: 11

11/23/04 FF-DECLR OF USE 3092-TM-05 PHILP WCC 4-2001-08796
DEC OF USE 11/23/01

Final
ENERGY SAVER & DESIGN

METAL

Classes: 11

11/23/04 FF-OA 5391-A-10 CHINA CRH 00807026.1
(EX.TIME) 03/16/00

Final ZETET

Remarks ASSOC. REQUESTS INSTRUCTIONS BY 9/13/04

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Date: 08/31/04 System Master Docket Page: 15
Time: 12:53:33 From: 08/31/04 To: 11/30/04

Due Date/ Action Due	Action Type	Docket Number	Ctry	Atty	Application Number/ Date	Registration Number/ Date
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11/26/04	FF-1 YR ANNUITY	3086-A-18	CANAD	MAG	2272336	
1 YR ANNTY DUE					11/26/97	
Due Date				PALES		

11/26/04	FF-1 YR ANNUITY	3086-A-18	EPO	MAG	97948217.1	
1 YR ANNTY DUE					11/26/97	
Due Date				PALES		

11/26/04	FF-1 YR ANNUITY	3086-A-19	CANAD	MAG	2272334	2272334
1 YR ANNTY DUE					11/26/97	10/28/03
Due Date				PALES		

11/26/04	FF-1 YR ANNUITY	3086-A-19	EPO	MAG	97951458.5	
1 YR ANNTY DUE					11/26/97	
Due Date				PALES		

11/26/04	FF-1 YR ANNUITY	4896-A-01	UNIKN	CRH	9324388.9	2273162
1 YR ANNTY DUE					11/26/93	11/15/95
Due Date				DELAJ		

11/27/04		5213-SM-01	USA	WCC		1307479
RENEWAL						11/27/84

UNICORN BALLOON COMPANY & DES.

UNICO

Classes: 41

11/27/04 TM-OA 6 MONTH 6643-SM-01 USA WCC 327483
6 MO RESPONSE 11/13/03

Final

FOUNT

FOUNTAIN OF THE SUN

Classes: UNSURE AT THIS TIME

11/30/04	1228-A-139	USA	RVH	449280	
Status Chk				05/30/03	<i>filed - no action</i>
Computer generated deadline			ERA		

11/30/04	2873-TM-43	USA	RVH	405637	2296758
AFF OF USE				12/15/97	11/30/99
Computer Generated Deadline.			INTER		
SANIWAVE					

Classes: 11

11/30/04	5822-TM-03	USA	RVH	586640	2296044
AFF OF USE				11/09/98	11/30/99
Computer Generated Deadline.			ECOSP		
LOGO					

Classes: 16

WÄCHTERSCHÄUSER & HARTZ

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Weinstr. 8 · D-80333 München

TEL +49-89-21 99 76-0
FAX +49-89-22 37 59
E-MAIL info@patent.de

Prof. Dr. Günter Wächtershäuser
Dr. (USA) Nikolai F. Hartz
Dr. Claus Dendorfer, M.Sc. (Oxford)

Cahill, von Hellens & Glazer P.L.C.
Attorneys at Law
155 Park One, 2141 E. Highland Avenue
Phoenix, Arizona 85016-4737
USA

August 05, 2004

RECEIVED
AUG 16 2004

CAHILL, VON HELLENS & GLAZER P.L.C.

Re: European Patent Application
No.: 00 942 754.3
Thayer Medical Corporation
Your Ref.: 3418-A-14 EPO
Our Ref.: EA-PCT-11706

For Use By CS&T Docket Clerk Only
Remarks: _____

Date: 8-17-04 Signed: <i>[Signature]</i>

Dear Mr. Hoffman:

EXECUTIVE SUMMARY

The following instructions are requested prior to **October 02, 2004**:

- (a) whether there are any changes in the text required – cf. item 2,
- (b) whether there are any countries to be canceled – cf. item 3, and
- (c) whether a divisional application is to be filed – cf. item 4.

The following documents need to be provided from your end:

- (d) power of attorney forms signed by Applicant – cf. item 5.

We are glad to inform you that the competent Examining Division of the European Patent Office intends to grant a European patent in the above-identified case.

1. Communication under Rule 51 (4) EPC

Enclosed please find a copy of the official Communication including the version of the text based on which the Examination Division intends to grant the patent.

The extendable official term for replying to the present Communication under Rule 51 (4) EPC ends on December 02, 2004. In order to have sufficient time for

EXHIBIT C

3418-A-14 EPO
(Based on PCT application)

Thayer Medical Corp

COLLAPSIBLE, DISPOSABLE MDI SPACER
AND METHOD

FILED 6-12-00

SN: 00942754.3

SERIAL NUMBER

00942754.3

GROUP

DOCKET NO.

3418-A-14 EPO

ATTY.

CRH

FILING DATE

6-12-00 (PCT)

APPLICATION FOR LETTERS PATENT

PRIORITY DATE

7-20-99

Prepared by Cahill, Sutton & Thomas

INVENTOR

David J. Sladek

TITLE

Collapsible, Disposable MDI Spacer & Method

ACTIONS

Small Entity ☐Large Entity ☐

Dated

Due

Done

12-18-01	Appn. to assoc.	—		
12-18-01	Exam Requested at filing	—		
1-8-02	assoc. letter - apen. filed	—		
1-23-02	assoc. letter	2-22-02	2-6-02	EPO form requested
3-6-02	Amend Claims	4-1-02	3-14-02	None
12-12-02	Supplementary Search Report	—		
1-7-03	Statement to Proceed w/ Exam	2-20-03	1-7-03	
1-10-03	assoc. letter	—		re exam
5-16-03	O.A.	9-13-03	8-15-03	
10-16-03	assoc. letter re proposed amend	11-13-03	10-22-03	
10-28-03	assoc. letter	—		w/ amendment
1-7-04	O.A.	4-29-04	4-8-04	
5-6-04	assoc. letter	—		amend. filed
5-5-04	Application in order	12-2-04	10-15-04	
8-5-04	Power of atty	Reminded 12-2-04	Not needed 10-15-04	Entered & Italy - not filed
11-24-04	assoc. letter - translations filed	—		validate in U.K., France, Germany
1-5-05	Decision & Grant	—		w/ granted 2/9/05 #1 204 437

CPG 1/02
1-05 for (Continued
inside folder)

ANNUITIES

Due	Done	Due	Done	Due	Done
6-12-02	3-20-02 CPG				
6-12-03	3-6-03 CPG				
6-12-04	1-20-04 CPG				
6-12-05					

Dated _____ Recorded _____ Reel _____ Frames _____

Address and Telephone of Inventor(s)

Assignments:

ISSUED

DATED Feb. 9, 2005

LETTERS PATENT NO. 1 204 437

3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 08/11/2004
 Cahill, von Hellens & Glazer P.L.C.
 Ste. 155
 2141 E. Highland Avenue
 Phoenix, AZ 85018

RECEIVED

AUG 26 2004

TECHNOLOGY CENTER R3700

EXAMINER

PATEL, NIHIR B

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 08/11/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,797	09/04/2003	Gregory S. Marler	3418-A-23	8070

TITLE OF INVENTION: HEAT AND MOISTURE FILTER EXCHANGER AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	11/12/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

EXHIBIT E

STATION MESSAGE DETAILED RECORDING

TUE-31-JAN-2006

00 : 00

TYP	EXT	USRNAME	LN	DIALED DIGITS	START	ELPST	COST	ACCT	CODE
	112	RVH	01	626-8192	05:10	00:01	\$00.00		
	140	V-MAIL	01	RING	06:36	S=003			
IN	140	V-MAIL	01		*06:36	00:01	\$00.00		
	140	V-MAIL	01	RING	07:26	S=003			
IN	140	V-MAIL	01		*07:26	00:01	\$00.00		
	140	V-MAIL	01	RING	07:52	S=003			
IN	140	V-MAIL	01		*07:52	00:01	\$00.00		
	112	RVH	01	RING	07:57	S=004			
	107	KRISTEN	01	RING	07:57	00:02	\$00.00		
IN	112	RVH	01		09:02	00:05	\$00.00		
LOC	127	ELISA	15	1-800475193546144296717286142967	09:59	00:10	\$00.00		
T7	127	ELISA	06	63387773375	09:00	00:02	\$00.00		
T7	112	RVH	15	1-571-272-8228	09:10	00:03	\$00.00		
T10	127	ELISA	15	1-614-296-7172	09:13	00:05	\$00.00		
	107	KRISTEN	01	RING	09:37	S=003			
IN	106	MARVIN	01		09:37	00:04	\$00.00		
T7	119	RUTH	15	1-5712724803#	09:48	00:02	\$00.00		
LOC	106	MARVIN	06	1-800-932-3624	09:49	00:04	\$00.00		
	107	KRISTEN	01	RING	10:23	S=006			
IN	107	KRISTEN	01		10:23	00:01	\$00.00		
T7	109	JANE	04	275-2191	10:30	00:01	\$00.00		
	107	KRISTEN	01	RING	10:32	S=004			
IN	140	V-MAIL	01		*10:32	00:02	\$00.00		
T7	127	ELISA	15	423-1635	10:30	00:04	\$00.00		
T7	127	ELISA	15	1-352-376-5242	10:34	00:02	\$00.00		
T7	119	RUTH	15	1-928-443-0370	10:37	00:05	\$00.00		
	107	KRISTEN	01	RING	10:57	S=005			
IN	107	KRISTEN	01		*10:57	00:01	\$00.00		
T7	109	JANE	04	864-4489	11:01	00:02	\$00.00		
T7	109	JANE	04	86444003404340	11:03	00:03	\$00.00		
T7	127	ELISA	06	278-1113	11:06	00:01	\$00.00		
	120	KATHI	01	RING	11:12	S=011			
IN	127	ELISA	01		11:12	00:02	\$00.00		
T7	109	JANE	15	8-644-4000	11:06	00:09	\$00.00		
	107	KRISTEN	01	RING	11:22	S=004			
IN	107	KRISTEN	01		11:22	00:02	\$00.00		
T7	109	JANE	03	730-0527	11:24	00:01	\$00.00		
T7	109	JANE	15	389-4342	11:24	00:02	\$00.00		
	107	KRISTEN	01	RING	11:26	S=010			
IN	107	KRISTEN	01		11:26	00:01	\$00.00		
	107	KRISTEN	01	RING	11:30	S=005			
IN	140	V-MAIL	01		*11:31	00:01	\$00.00		
	107	KRISTEN	13	RING	11:41	S=004			
IN	107	KRISTEN	13		11:41	00:01	\$00.00		
	107	KRISTEN	02	RING	11:45	S=006			
IN	140	V-MAIL	02		*11:45	00:01	\$00.00		
	107	KRISTEN	01	RING	11:37	S=005			
IN	112	RVH	01		11:37	00:09	\$00.00		
	107	KRISTEN	01	RING	11:57	S=005			
IN	112	RVH	01		11:57	00:07	\$00.00		
	120	KATHI	01	RING	1				